

REMARKS

As a result of this amendment, claims 1-39 are now pending in this application. Of these, claims 19-39 are allowed; claims 5, 11-13, 15, 17, and 18 are allowable pending rewriting to independent form; claims 16-18 stand rejected under §112; and claims 1-4, 6-10, 14, and 16 stand rejected under §103.

Allowability of Claims 5, 11-13, 15, 17, and 18

In the Action, the Examiner stated that claims 5, 11-13, 15, 17, and 18 would be allowable if rewritten in independent form. In response, this amendment rewrites claims 5, 11, 17, and 18 as independent claims and changes claims 15 to depend on claim 11. No change was made to claim 12. Accordingly, applicant requests reconsideration of these claims.

Response to §112 Rejections

The Examiner rejected claims 16-18 under 35 USC §112, second paragraph, as indefinite for recitation of "integrated memory circuit." In response, applicant has amended claim 16 to specify "integrated circuit." Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §112 rejections.

Response to §103 Rejections

The Examiner rejected claims 1-4, 6-10, 14, and 16 under 35 USC §103(a) as unpatentable over Hashimoto (U.S. Patent 6,022,586). In making the rejection, the Examiner conceded that "Hashimoto does not explicitly disclose ... that a different or higher temperature of the showerhead than the normal deposition is used," but argues that "given the range of 500 to 800 C as [the internal pre-coating temperature,] it would have been obvious to use temperatures different from or higher than the 700 C temperature for coating the substrate with a reasonable expectation of these temperatures being operable as explicitly disclosed by Hashimoto."

In response, applicant submits respectfully that the rejection fails to establish a prima facie case of obviousness. Specifically, the rejection fails to set forth any credible evidence of the desirability of modifying Hashimoto to meet the temperature requirements of the rejected

claims. The rejection, as best understood, appears only to assert that one of skill one could have operated or modified Hashimoto to meet the temperature requirements of the rejected claims.

However, even if this were true, the fact that one could have modified the cited art does not mean that one without hindsight would have viewed the modification as desirable. See, for example, MPEP 2143.01 which states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the [cited] art also suggests the desirability of the combination." Here, Hashimoto reports a range of pre-coating temperatures and a specific substrate-coating temperature that falls within that range; there's no suggestion of any desirability of using an actual pre-coating temperature that differs from the substrate-coating temperature.

Moreover, to the extent that there's any suggestion of a specific relation of the pre-coating and substrate-coating temperatures, such as different than, greater than, or less than, Hashimoto appears to suggest equal pre-coating and substrate-coating temperatures, not different temperatures.

Specifically, Hashimoto states "these pre-coating films are intended to make the conditions within the process vessel such as the thermal reflectance and emissivity equal to those in the step of forming the desired laminated films on the wafer W." (Col. 9, lines 61-65.) In other words, Hashimoto reports that the pre-coating films and wafer-coating films should have properties of reflectance and emissivity that are equal. Thus, absent relevant and objective evidence that reflectance and emissivity are unaffected by deposition temperature, it appears that Hashimoto itself would lead one of skill to form the pre-coating and wafer-coating films at equal temperatures to promote equality of material properties, such as reflectance and emissivity.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejections.

Reservation of Rights

Applicant reserves all applicable rights not exercised in connection with this response, including, for example, the right to swear behind one or more of the cited references, the right to rebut any tacit or explicit characterization of the references, and the right to rebut any asserted motivation for combination. Applicant makes no admission regarding the prior art status of the cited references, regarding them as being only of record.

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Title METHODS OF FORMING COATINGS ON GAS-DISPERSION MIXTURES IN CHEMICAL VAPOUR-DEPOSITION SYSTEMS

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9593 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SUJIT SHARAN

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 349-9593

Date

August 29, 2003

By

Eduardo E. Drake
Reg. No. 40,594

CERTIFICATE UNDER 37 CFR 1.8 The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 12 day of August, 2003.

Name

Tina Kohout

Signature

[Signature]